

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RODERICK MAGGAY,  
Plaintiff,  
v.  
OFFICER MICKE, et al.,  
Defendants.

Case No. 21-cv-04994 BLF (PR)

**ORDER GRANTING MOTION FOR  
THIRD EXTENSION OF TIME TO  
FILE SECOND AMENDED  
COMPLAINT**

(Docket No. 34)

Plaintiff, a federal prisoner, filed a *pro se* civil rights action pursuant to 42 U.S.C. § 1983 against staff at the Santa Rita County Jail. Dkt. No. 1. On July 14, 2022, the Court granted Plaintiff leave to file a second amended complaint. Dkt. No. 25. Then on October 4, 2022, Plaintiff was granted a second extension of time to file a second amended complaint no later than November 15, 2022. Dkt. No. 30.

Plaintiff has filed a motion for a third extension of time to file a second amended complaint because the facility is in total lockdown. Dkt. No. 34. Good cause appearing, the Plaintiff's extension of time is GRANTED. Plaintiff shall file a second amended complaint using the Court's form complaint **no later than twenty-eight (28) days from the date this order is filed.**


1 The second amended complaint must include the caption and civil case number  
2 used in this order, *i.e.*, Case No. 21-cv-04994 BLF (PR), and the words “SECOND  
3 AMENDED COMPLAINT” on the first page. Plaintiff must answer all the questions on  
4 the form in order for the action to proceed. Plaintiff is reminded that the second amended  
5 complaint supersedes the original and amended complaints, and Plaintiff may not make  
6 references to either in the second amended complaint. Claims not included in the second  
7 amended complaint are no longer claims and defendants not named in a second amended  
8 complaint are no longer defendants. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th  
9 Cir.1992).

10 **Failure to respond in accordance with this order by filing a second amended**  
11 **complaint in the time provided will result in this action proceeding based on the**  
12 **cognizable claims in the amended complaint, as discussed in the Court’s initial**  
13 **screening order, Dkt. No. 14.**

14 This order terminates Docket No. 34.

15 **IT IS SO ORDERED.**

16 **Dated: \_\_November 22, 2022\_\_**

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18 BETH LABSON FREEMAN  
19 United States District Judge  
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